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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,372

Applicant(s)

ELLEDGE, DENNIS D.

Examiner

Julie Lieu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5-12,17-27,29-40 and 48-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,5-12,17-27,29-40 and 48-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed February 17, 2006. Claims 2, 10, 17-27, 37, 38, 40, and 48-55 have been amended. Claims 1, 3, 4, 13-16, 28, and 41-47 have been canceled. New claims 57-60 have been amended.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 2, 5-12, 17-27, 29-40 and 48-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isaacman et al. (US Patent No. 5,936,527) in view of Owens et al. (US Patent No. 5,299,116).

Claim 2:

Isaacman et al. discloses a method for identifying a lost or stolen device, the method comprising:

- a. Storing in a second database (PC2) data identifying at least a portion of the plurality of lost or stolen devices
- b. Transmitting with at least one reader an interrogation signal to transmitters of the detected devices;
- c. Receiving identification information of detected devices using at least one reader

Art Unit: 2612

- d. Comparing information received by the at least one reader with the data stored in the secure database.

The reference fails to disclose the use of the first database. Nonetheless, the concept of receiving data identifying lost items in a first secure database at a central monitoring station in communication with a second database at the detecting location is well known in the art as taught in Owens. In light of this teaching, it would have been obvious to one skilled in the art that the system in Isaacman could be used in communication with a monitoring center as in Owens. Thus, data in the second database in PC2 could be updated with at least a portion of the plurality or reported lost or stolen devices.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 5:

The receiving identifying information of detected devices in Isaacman comprises receiving a signal from a radio frequency identification (RFID) tag associated with each detected item or device.

Claim 6:

The RFID tag in 20 comprises a passive RFID tag.

Claim 7:

In Isaacman, the act of receiving identifying information is performed in a public place (offices, warehouse, factories, et...).

Art Unit: 2612

Claim 8:

It is not clearly stated in the reference that the location wherein the system is used is an airline terminal. However, the reference suggests in col. 13, last paragraph locations such as exits, doorways, or portal; therefore, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claim 9:

Though the tagged item in Isaacman comprises a lap top computer, one skilled in the art would have readily recognized that it would be desirable to monitor a laptop computer in a department store where a laptop computer is sold.

Claim 10:

Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 146), which is functionally equivalent as an alarm signal.

Claim 11:

Though Isaacman fails to disclose sending the alarm signal comprising producing an audible tone, a skilled artisan would have readily recognized modifying the computer in Isaacman to provide a sound in addition to display indicator to indicate that the file has been found because sound indication would additionally attract user's attention than visual display alone.

Claim 12:

The act of sending the alarm signal Bowers comprises activating an indicator on a display screen 146. See fig. 8.

Claim 17:

The apparatus in Isaacman comprises:

- a. a transceiver 20, coupled to a device, the transceiver configured to transmit identifying information in response to the interrogation signal;
- b. a plurality of check out points (exits or doorways, see col. 13, last paragraph) comprising:

- a. a reader 54
- b. a processor PC 2 configured to compare to compare the identifying information with the data stored in the secure database, wherein the processor is configured to generate a signal if the identifying information matches at least some of the stored data. Col 11, last paragraph to col. 13, first paragraph.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

The reference fails to disclose a first security database. Nonetheless, the concept of receiving data identifying lost items in a first secure database at a central monitoring station in communication with a second database at the detecting location is well known in the art as taught in Owens. In light of this teaching, it would have been obvious to one skilled in the art that the

Art Unit: 2612

system in Isaacman could be used in communication with a monitoring center as in Owens.

Thus, data in the second database in PC2 could be updated with at least a portion of the plurality or reported lost or stolen devices.

Claim 18:

The system in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 146), which is functionally equivalent as an alarm signal.

Claim 19:

Though Isaacman fails to disclose sending the alarm signal comprising producing an audible tone, a skilled artisan would have readily recognized modifying the computer in Isaacman to provide a sound in addition to display indicator to indicate that the file has been found because sound indication would additionally attract user's attention than visual display alone.

Claim 20:

The alarm in Isaacman inherently comprises an indicator on a display screen (e.g. display 146 in fig. 8).

Claim 21:

The transceiver 20 transmits the identifying information in response to receiving a signal from the reader.

Claim 22:

The transceiver comprises a radio frequency identification (RFID) tag 20.

Claim 23:

The RFID tag 20 comprises a passive RFID tag.

Claim 24:

At least one of the plurality of checkpoints disclosed in Isaacman is located in a public place.

Claim 25:

The public place in Isaacman commercial locations. However, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claim 26:

Though the tagged item in Isaacman comprises a lap top computer, one skilled in the art would have readily recognized that it would be desirable to monitor a laptop computer in a department store where a laptop computer is sold.

Claim 27:

Isaacman et al. discloses a method for locating a lost or stolen device, the method comprising:

Art Unit: 2612

- a. Receiving a report of a lost or stolen item having a transmitter (RFID 20) attached thereto;
- b. Storing a secure database PC2 data associated with stolen devices (col. 8, lines 22-39);
- c. Transmitting an interrogation signal with at least one reader 14;
- a. Receiving with the at least one reader unique identification information of detected from tag transmitter circuitry, wherein the identification information is transmitted by the transmitter circuitry of the detected devices in response to receiving the interrogation signal;
- a. Comparing information received by the at least one reader with the data stored in the secure database PC 2 to locate lost or stolen items.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 29:

In Isaacman, the receiving identifying information from the transmitter circuitry of detected items/devices comprises receiving a signal from a radio frequency identification (RFID 20) associated with each detected item/device.

Claim 30:

The RFID tag 20 comprises a passive RFID tag.

Claim 31:

Art Unit: 2612

The reader 18 in Isaacman is located in a public place.

Claim 32:

It is not clearly stated in the reference that the location wherein the system is used is an airline terminal. However, the reference suggests in col. 13, last paragraph locations such as exits, doorways, or portal; therefore, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claim 33:

Though the tagged item in Isaacman does not comprises a lap top computer, one skilled in the art would have readily recognized that it would be desirable to monitor a laptop computer in a department store where a laptop computer is sold.

Claim 34:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Claim 35:

Though Isaacman fails to disclose sending the alarm signal comprising producing an audible tone, a skilled artisan would have readily recognized modifying the computer in

Art Unit: 2612

Isaacman to provide a sound in addition to display indicator to indicate that the file has been found because sound indication would additionally attract user's attention than visual display alone.

Claim 36:

The alarm in Isaacman inherently comprises an indicator on a display screen (e.g. display 146 in fig. 8).

Claim 37:

Isaacman et al. discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. Means PC 2 for receiving a report of a lost or stolen item having transmitter circuitry (RFID 20) associated therewith;
- b. Secure means (PC2) for storing data associated with the report of the lost or stolen device;
- c. Means 14 for transmitting an interrogation signal and for receiving identifying information of detected devices in response to the interrogation signal; and
- d. Means for comparing the identifying information with the data associated with the report of the lost or stolen item.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 38:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database.

Claim 39:

The means for storing data in Isaacman comprises a secure database. See col. 8, lines 22-39.

Claim 40:

In Isaacman, the means for receiving identifying information comprises a radio frequency identification (RFID) reader 18.

Claim 48:

Isaacman discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a transmitter RFID tag 20, associated with a item, configured to transmit identification information in response to receiving an interrogation signal;
- b. a first receiver 54 configured to receive the transmitted identification information when the transmitter is within a defined distance from the receiver,
- d. a processor PC 2 configured to receive the identification information from the first receiver, the second processor having a second database configured to receive at least a portion of the stored data from the first database and configured to compare the received portion of the stored data with the identification information received from the first receiver.

The reference fails to disclose a first processor having a first secure database configured to store data identifying a plurality of devices that have been lost or stolen. Nonetheless, the

Art Unit: 2612

concept of receiving data identifying lost items in a first secure database at a central monitoring station in communication with a processor at the detecting location is well known in the art as taught in Owens. In light of this teaching, it would have been obvious to one skilled in the art that the system in Isaacman could be used in communication with a monitoring center as in Owens. Thus, data in the second database in PC2 could be updated with at least a portion of the plurality or reported lost or stolen devices.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 49:

The defined distance between the tagged item and the reader in Isaacman is up to 50 ft, which includes 6 ft distance.

Claim 50:

The first processor PC 2 in Isaacman is inherently configured to update the data associated with the plurality of lost or stolen items/devices stored in the first secure database.

Claim 51:

The second processor is configured periodically updated the second secure database with at least a portion of the updated database stored in the first secured database.

Claim 52:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman

Art Unit: 2612

fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Claim 53:

Isaacman further discloses a second receiver 18 configured to receive the transmitted identification information when the transmitter is within a defined distance from the second receiver.

Isaacman fails to disclose a third processor configured to receive the identification information from the second receiver, having a third database configured to receive at least a portion of the stored data from the first secure database and configured to compare the received portion of the stored data with the identification information received from the second receiver. Nonetheless, it would have been obvious to one skilled in the art to add a third processor in the Isaacman system because it would provide redundancy which would lead to better detection of the lost items.

Claim 54:

Isaacman discloses method of identifying lost or stolen items, the method comprising:

- a. Receiving data identifying items that have been lost or stolen
- b. Transmitting with a transceiver an interrogation signal to the RFID device associated with the item;

Art Unit: 2612

- c. Receiving with the transceiver information transmitted by a radio frequency identification (RFID) device in response to the interrogation signal;
- d. A second secure database
- c. Comparing the information received by the transceiver with the data stored in the second database to locate the at least one of the lost or stolen items.

The reference fails to disclose a first security database and update the second secure database with at least a portion of the data of the reported lost database. Nonetheless, the concept of receiving data identifying lost items in a first secure database at a central monitoring station in communication with a second database at the detecting location is well known in the art as taught in Owens. In light of this teaching, it would have been obvious to one skilled in the art that the system in Isaacman could be used in communication with a monitoring center as in Owens. Thus, data in the second database in PC2 could be updated with at least a portion of the plurality or reported lost or stolen devices.

The interrogation signal in Isaacman is transmitted to the RFID device indirectly through the local exciter. However, one skilled in the art would have readily recognized directly interrogate the RFID devices as desired since the function of the system would not thereby be modified and it is within the knowledge of a skilled artisan to implement the system to do so.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 55:

Art Unit: 2612

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Claim 56:

The RFID device 20 comprises a memory configured to store said information.

Claims 57 and 59:

Though not clearly stated in the reference, it would have been obvious to one skilled in the art to use encryption for data in the Isaacman system because it is desirable to secure the information.

Claims 58 and 60:

The checkpoints in Isaacman are not necessarily a corridor but it could be an entrance, portals doorways which is similar to a corridor. See col. 13, last paragraph.

Applicant's Arguments

4. The Applicant has presented the following argument:

“Isaacman does not appear to disclose transmitting with a transceiver an interrogation signal to an RFID device associated with an item and, with the transceiver, receiving information

Art Unit: 2612

transmitted by the RFID device in response to receiving the interrogation signal. Rather, the host transceiver 14 of Isaacman transmits a signal directly to a single exciter 18, which, in turn, communicates with nearby tags 20.”

Response

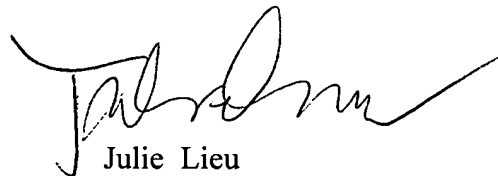
5. It should be noted that transceiver “interrogates” the RFID devices through local exciters.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2612

May 10, 06